

BEFORE THE TENNESSEE BOARD OF NURSING

In The Matter of:

Docket No. 17.19-108791A

R.N. License No. 154258

Thompsons Station, Tennessee 37179

Respondent

ORDER OF SUMMARY SUSPENSION

This cause came on to be heard on the 5th day of August, 2010, at a public meeting, before a duly authorized panel of the Tennessee Board of Nursing, upon the application of the State for a summary suspension of respondent's license pursuant to T.C.A. Section 4-5-320(c).

JURISDICTION

The Tennessee Board of Nursing (“Board”) is responsible for the regulation and supervision of the practice of nursing, including nurse practitioners and registered nurses in the State of Tennessee. T.C.A. Section 63-7-101, *et seq.* The Board has the duty and power to suspend or revoke or otherwise discipline a licensee who has violated the provisions of Title 63, Chapter 7. T.C.A. Section 63-7-115(A)(1). Under T.C.A. Section 4-5-320(c), the Board has the authority to summarily suspend a licensee’s license or certificate if it finds that the public health, safety, or welfare imperatively require emergency action.

FACTS

1. Respondent has been at all times pertinent hereto licensed by the Board as a registered nurse in the State of Tennessee, having been granted license number 154258 by the Board on April 25, 2006, which currently has an expiration date of June 30, 2011.
2. Respondent's registered nurse license bears a multistate privilege to practice nursing in states which have entered into the Interstate Nurse Licensure Compact.
3. Respondent has been at all times pertinent hereto certified by the Board as an advanced practice nurse in the State of Tennessee, having been granted certificate number 13087 by the Board on December 7, 2007, which currently has an expiration date of June 30, 2011. Respondent also has an active DEA certificate.
4. From August 2009 to July 2010, Respondent was employed in the capacity of an advanced practice nurse and registered nurse at Spine, Joint and Neuromuscular Rehabilitation in Franklin, Tennessee.
5. Prior to August 2009, Respondent was employed in the capacity of an advanced practice nurse and registered nurse at Claiborne and Hughes Health Center ("former employer") in Franklin, Tennessee.
6. Respondent forged prescriptions for narcotics for her personal use by using the prescription slips from her former employer and writing prescriptions to relatives without their knowledge.

7. From January 12, 2009 to April 1, 2010 Respondent admittedly wrote approximately forty-one (41) prescriptions to relative "A" for narcotics that include morphine sulfate, Opana, oxycodone, alprazolam, and hydrocodone. By admission, Respondent has stated that most of these prescriptions were for Respondent's personal use and that she has no medical chart for relative "A".

8. From February 2009 through November 2009, Respondent admittedly wrote approximately seven (7) prescriptions to relative "B" for narcotics that include oxycodone, hydrocodone, and alprazolam. By admission, Respondent has stated that most of these prescriptions were for Respondent's personal use and she admits that she has no medical chart for relative "B".

9. Respondent admits that she is addicted to narcotics.

10. Respondent is currently under criminal investigation for prescription fraud in Williamson County, Tennessee

SUSPENSION

In consideration of the evidence presented and pursuant to the authority granted under T.C.A. Sections 4-5-320(c) and 63-7-115 *et seq.* and 63-7-123 *et seq.*, and Rules of the Board of Nursing, Chapters 1000-01-.13 *et seq.* and 1000-04-.08 and .09, the Board hereby preliminarily finds that Respondent's (**Sara D. Maiville, R.N., A.P.N.**) Respondent's own admissions to the State Investigator that she fraudulently wrote prescriptions to obtain controlled substances and is addicted to controlled substances, is so severe that it requires emergency action in order to protect the public health, safety and welfare prior to the initiation of formal disciplinary charges.

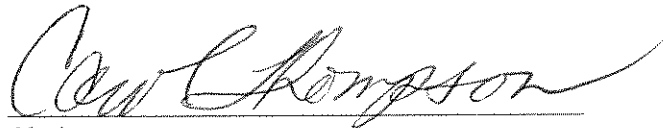
The Board finds after consideration of the evidence presented that the Respondent has violated Prerequisites to Prescribing or Dispensing and Rule 1000-1-.13(d) Making false or materially incorrect, inconsistent or unintelligible entries in any patient records or in the records of any health care facility, school, institution or other work place location pertaining to the obtaining, possessing, or administration of any controlled substance as defined in the Federal Controlled Substance Act; Rule 1000-1-.13(e) Unauthorized use or removal of narcotics, drugs, supplies or equipment from any health care facility, school, institution or other work place location; Rule 1000-1-.13(u) Practicing practical nursing in a manner inconsistent with TENN. CODE ANN. § 63-7-108; and Rule 1000-1-.13(v) Engaging in acts of dishonesty which relate to the practice of nursing. ; and T.C.A. § 63-7-115(a)(1) (C) Is unfit or incompetent by reason of negligence, habits or other cause; (D) Is addicted to alcohol or drugs to the degree of interfering with nursing duties; and, (F) Is guilty of unprofessional conduct.), and Nursing Rule 1000-04 .09 Prerequisites to Prescribing or Dispensing.

It is therefore **ORDERED** that:

1. Respondent's Tennessee license and certificate of fitness to engage in the practice of nursing, R.N. License Number 154258 and A.P.N. Certificate of Fitness Number 13087, be and hereby are **SUMMARILY SUSPENDED**;
2. Upon issue of this Order, Respondent shall cease and desist from practicing nursing in the state of Tennessee;
3. Respondent shall not practice any health related profession nor in any health related field unless permission is sought from and granted by the Board;

4. This suspension shall be effective immediately and shall remain in effect until otherwise ordered by the Tennessee Board of Nursing;
5. Pursuant to T.C.A. Section 4-5-320(d)(1), Respondent may present her version of the situation to the Board at an informal conference on August 12, 2010, at 1:00 p.m. in the Health Related Boards Conference Room (3rd Floor), 227 French Landing Drive, Nashville, Tennessee; and
6. The sole issue at the informal conference mentioned above shall be: whether the public health, safety or welfare imperatively required emergency action by the Board.

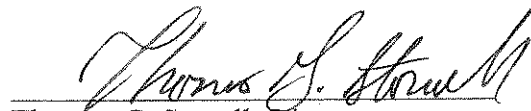
SO ORDERED, this 5th day of August, 2010.



Chairperson
Tennessee Board of Nursing

CERTIFICATE OF FILING

This Order was received for filing in the Office of the Secretary of State, Administrative Procedures Division, and became effective on the 5th day of August, 2010.



Thomas G. Stovall, Director *m/12*
Administrative Procedures Division

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of this document has been served upon Respondent, 2109 Shuler Place, Thompsons Station, TN 37179, via hand delivery, and upon Brent Horst, Esq., 3925 Gallatin Pike, Nashville Tennessee 37216 via e-mail and by United States First Class Mail, Postage Pre-Paid, with sufficient postage thereon to reach its destination, on this 5th day of August, 2010.

A handwritten signature in cursive script that reads "S. Alexa Whittemore". The signature is written in dark ink and is positioned above the printed name and title.

S. Alexa Whittemore
Deputy General Counsel
Office of General Counsel
Tennessee Department of Health